IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2277 of 2005

Between:

K. Prabhakar Reddy, S/o. Venkata Reddy,
Peddamuriyam Village & Mandal, kadapa District.

..... PETITIONER

AND

1. The District Collector, Kadapa.
2. The Assistant Social Welfare Officer, Jammalamadugu, Kadapa District.
3. The Hostel Welfare Officer, Government Social Welfare Boys Hostel,
   Peddamuriyam Village and Mandal, Kadapa District.
4. B. Srinivasulu Reddy, S/o. Lakshmi Reddy,
   R/o. D.No. 1-120, Peddamuriyam Village & Mandal,
   Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ order or direction mostly one which is in the nature of *Writ of Mandamus* declaring that the order in Rc. No. A3/183/2004, Dated 19.01.2005 of the 1st the respondent as illegal, irregular, arbitrary, unconstitutional, unjustified and unsustainable and set aside the same directing the respondents to continue the Government Social Welfare Hostel at the building bearing No.1/114 belonging to the Petitioner.

Counsel for the Petitioner: MR.P.VEERA REDDY

Counsel for the Respondents Nos.1 to 3: GP FOR SOCIAL WELFARE

Counsel for the Respondent No.4 : --------

The Court made the following:

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ORDER:

For declaring the action of the first respondent in issuing the order in Rc.No.A/183/2004, dated 19.01.2005 shifting of Government Social Welfare Boys Hotel, Peddamudium from existing building bearing Door No.1/114 belonging to the petitioner to bearing Door No.1/120 belonging to Sri B. Srinivasulu Reddy as illegal and arbitrary, the present writ petition is filed.

2. The learned counsel for the petitioner vehemently contended that at the instance of the local M.L.A., the impugned proceedings have been passed by the District Collector to deny the right of the petitioner for leasing out the building for Social Welfare Boys Hostel, even the petitioner is prepared to offer the rent far below the rent offered by one B. Srinivasulu Reddi.

3. On the other hand, the learned Government Pleader for Social Welfare contended that it is for the respondents to take appropriate decision for accommodation of the social welfare boys hostel and no right whatsoever for the petitioner has been infringed and that the impugned proceedings do not suffer from any legal infirmities so as to call for the interference of this Court.

4. The facts are not in dispute. The main grievance of the petitioner is that originally, the building of the petitioner has been taken by the Social Welfare Department about four years back for running a Government Social Welfare Boys Hostel on a monthly rent of Rs.4067/-. After occupying the building of the petitioner by Social Welfare Department, the petitioner made construction of a warden room, store room, water storage facilities, installation of bore well and pump set etc., by spending huge amount of Rs.1 lakh. After making of such constructions, at the instance of local M.L.A. of Jammalamadugu Assembly Constituency, the first respondent-District Collector, Kadapa wanted to shift the Social Welfare hostel from the existing building of the petitioner to the building of one B. Srinivasulu Reddi, who offered a rent at Rs.3,500/- per month. Therefore, the impugned proceedings has been passed by the first respondent directing the third respondent to vacate the existing building bearing Door No.1/114 belonging to the petitioner so as to enable them to occupy the new building of Sri B. Srinivaslu Reddy. The Commissioner of Social Welfare, A.P., Hyderabad has issued instructions to all the private builders that the private

buildings should have sufficient accommodation for 100 inmates with all facilities like drinking water, latrines, bath rooms, dining hall and sufficient lighting etc., and also the plinth Area of the building should be minimum of 5000 SFT and maximum of 7000 SFT. Admittedly, the building of the petitioner consists of 2200 SFT on the ground floor and 900 SFT on the first floor.

5. In any view of the matter, it is for the first respondent to take appropriate decision and no right of whatsoever has been infringed. No *mala fides* are attributed on the part of the first respondent in passing the impugned order. However, the learned counsel for the petitioner contended that the third respondent has not been paying the rents to the petitioner and he also further contended that the legal notice of the petitioner, dated 29.01.2005 has to be considered in accordance with law. If the respondents have not paid the rent, the remedy is otherwise. Therefore, there are no grounds to interfere with the impugned proceedings and the writ petition is totally devoid of merits and liable to be dismissed.

6. With the above observation, the writ petition is dismissed. However, it is made clear that the order of this particular case shall not preclude the first respondent in taking appropriate decision if the accommodation offered by the petitioner is sufficient for Boys Hotel. No order as to costs.

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(K.C. BHANU, J)

Date: 11.02.2005.

Note: Issue C.C. in three days.

B.O.

Ksn

ASSISTNANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector, Kadapa.
2. The Assistant Social Welfare Officer, Jammalamadugu, Kadapa District.
3. The Hostel Welfare Officer, Government Social Welfare Boys Hostel,
   Peddamuriyam Village and Mandal, Kadapa District.
4. Two C. Cs to G.P. for Social Welfare, High Court Buildings,

Hyderabad (OUT).

5. Two C.D. copies

*Form-NIC-OGS/WP{**SPJS**}*